

**Notice of Allowability**

Application No.

10/748,394

Applicant(s)

BERZINIS ET AL.

Examiner

Art Unit

Olga Asinovsky

1711

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE 07/27/2005.
2. ☒ The allowed claim(s) is/are 1,3-17,20-33,35-49 and 52-64.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date July 27, 2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 07/27/2005 has been entered.

**REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance:

Applicants amended claims 6, 7, 22, 28, 32, 38 and 39 to define ASA type resin.

The claimed invention is directed to a method of for producing an acrylonitrile-styrene-acrylate (ASA) type resin comprising a discontinuous elastomeric phase dispersed in a rigid thermoplastic phase, wherein the elastomeric phase comprises a polymer having structural units derived from at least one (C1-C12)alkyl (meth)acrylate) monomer, and said method comprises the steps of : (a) polymerizing a mixture of monomers in a first stage in the presence of the elastomeric phase, at least one of which monomers is selected from the group consisting of vinyl aromatic monomers and at least one of which monomers is selected from the group consisting of monoethylenically unsaturated nitrile monomers, following by (b) polymerizing a mixture of monomers in at least one subsequent stage in the presence of the elastomeric phase from (a), wherein the

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monomers comprise at least one vinyl aromatic monomer, at least one monoethylenically unsaturated nitrile monomer, and at least one monomer selected from the group consisting of (C1-C12)alkyl- and aryl-(meth)acrylate monomers.

The new IDS filed on July 27, 2005 have been considered.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art does not disclose or fairly suggest the method for preparing an acrylonitrile-styrene-acrylate (ASA) type resin specified in the method claims 1, 3-17, 20-32 nor a composition of ASA resin specified in the composition claims 33, 35-49 and 52-64.

Reference US Patent 4,351,921 to Kishida et al discloses a diene rubber-containing thermoplastic resin. Kishida does not disclose the elastomeric phase comprising acrylate rubber.

References 3,957,916 to Tanno et al and U.S. Patent 4,111,876 to Bailey et al disclose a polyvinyl chloride resin, which is not require in the present claims.

EP 0913408 discloses a process for producing a polyalkyl(meth)acrylate rubber latex and a molding composition comprising a thermoplastic resin rigid phase and a grafted said rubber latex. Reference does not disclose a discontinuous elastomeric phase dispersed in two rigid thermoplastic phases.

JP 52-33656 discloses an acrylic elastomer latex and polymerization of mixture of monomers of styrene, acrylonitrile and methylmethacrylate in the presence said latex.

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Reference does not disclose a discontinuous elastomeric phase dispersed in subsequent stage in the second rigid thermoplastic phase.

JP 59-108056 does not disclose a composition and a method of making said composition comprising a discontinuous elastomeric phase dispersed in a rigid thermoplastic phase.

JP 62-151442 discloses a different elastomeric phase such as an ethylene-alpha-olefin rubber and a different method of producing a thermoplastic resin composition.

JP 9-272783 discloses a diene copolymer rubber, different method and different composition.

JP 11-240925 discloses a multilayered styrene copolymer comprising a silane compound and an ethylene-olefin rubber that does not require in the present claims.

JP 2001-40160 discloses a silicon oil that does not require in the instant invention. Also, reference does not disclose a discontinuous elastomeric phase dispersed in two rigid thermoplastic phases.

The prior art is no close as that previously of record.

Claims 1, 3-17, 20-33, 35-49 and 52-64 are allowable for the same reason given in the parent application 10/748,394 in the office action mailed on 06/07/2005.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Asinovsky whose telephone number is 571-272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Olga Asinovsky  
Examiner  
Art Unit 1711

OA  
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James J. Seidleck  
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